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Chair: Mr. Gunnarsson ..... (Iceland)

Contents

Agenda item 72: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 121: Revitalization of the work of the General Assembly

Conclusion of the work of the Committee

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The meeting was called to order at 3.05 p.m.

Agenda item 72: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/72/L.18/Rev.1)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/72/L.49/Rev.1, A/C.3/72/L.68 and A/C.3/72/L.70)

Draft resolution A/C.3/72/L.18/Rev.1: Implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: situation of women and girls with disabilities

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Mr. Hawke** (New Zealand), speaking on behalf of the main sponsors of the draft resolution, Mexico, New Zealand and Sweden, said that the draft resolution focused on issues that were critical to realizing the rights of women and girls with disabilities, namely, multiple and intersecting forms of discrimination, education and employment, access to health-care services, including sexual and reproductive health services, access to justice and equal recognition before the law, participation in political and public life and the freedom to make their own choices. The main sponsors had held numerous open informal consultations and meetings with the aim of producing a text that could be agreeable to all, and the text represented the best possible balance that could be achieved.

3. He presented a few oral revisions to the text. In preambular paragraph 9, the words "particularly with regard to equal access to education and employment" should be replaced with "particularly with regard to the equal access of persons with disabilities to education and employment". In paragraph 14 (a), the words "domestic and intimate partner violence and" should be deleted after "all forms of violence, including", and "as well as domestic violence, including intimate partner violence" should be added after "others in positions of authority".

4. **Mr. Khane** (Secretary of the Committee) said that the following delegations had joined the sponsors of the draft resolution, as orally revised: Andorra, Australia, Bolivia (Plurinational State of), Brazil, Cabo Verde, Canada, Chad, Costa Rica, Dominican Republic, France, Germany, Guatemala, Guinea, Haiti, Hungary, India, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Montenegro, Morocco, Namibia, Netherlands, Norway, Panama, Peru, Philippines, Poland, Republic of Korea, Republic of Moldova, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Switzerland, Thailand, Tunisia, Turkey, Uruguay, Venezuela (Bolivarian Republic of) and Zambia.

5. **Mr. Ajayi** (Nigeria), speaking also on behalf of Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Guinea-Bissau, Lesotho, Libya, Madagascar, Mali, Mauritania, Morocco, Mozambique, Niger, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Sudan, Sudan, Swaziland, Togo, Uganda, United Republic of Tanzania, Zambia and Zimbabwe, presented an oral amendment to paragraph 18 of the draft resolution.

6. The amendment was intended to bring the text into line with relevant international instruments, such as article 5 of the Convention on the Rights of the Child and article 26 of the Universal Declaration of Human Rights, and ensure that all children, including adolescent girls and boys with disabilities, were entitled to the benefit of receiving direction and guidance from their parents. In paragraph 18, the words "with appropriate direction and guidance from parents and legal guardians" should be added after "in a manner consistent with their evolving capacities".

7. Although those delegations had engaged constructively in the negotiations, their proposal for the inclusion of language on parental guidance in paragraph 18 had been totally rejected and ignored by the facilitators. Parental direction was crucial for adolescents and young people, and the reference in the draft resolution to "full partnership" with parents, in addition to with young people, educators and other non-rights bearing stakeholders for children, did not adequately capture the crucial importance of the duties and rights of parents.

8. **Ms. Chifwaila** (Zambia), **Ms. Klein** (Madagascar), **Mr. Asnal** (Chad), **Ms. Traore** (Guinea) and **Mr. Sheriff** (Sierra Leone) said that their delegations wished to withdraw their sponsorship of the draft resolution.

9. **Mr. Hawke** (New Zealand), speaking on behalf of the main sponsors of the draft resolution, Mexico, New Zealand and Sweden, said that as many proposals as possible had been incorporated into the draft resolution and an appropriate balance had been struck

between the different perspectives. It was regrettable that an amendment to paragraph 18 had been proposed, as the inclusion of that paragraph was a fundamental element in ensuring that women and girls with disabilities were able to fully realize their human rights and fundamental freedoms. The paragraph was based on language that had been agreed by the General Assembly on a number of occasions and was linked to article 23 of the Convention on the Rights of Persons with Disabilities, which included a provision for ensuring that all persons with disabilities had access to age-appropriate information and reproductive and family planning education. The paragraph included the appropriate caveats of "age-appropriate", "in a manner consistent with their evolving capacities" and "in full partnership with ... parents [and] legal guardians". The proposed amendment upset the carefully negotiated balance that had been struck in the paragraph.

10. The main sponsors called for a recorded vote on the amendment and invited all delegations to vote against it. If the amendment were to be adopted, a vote would then be held on the resolution as amended. Member States should consider that they would be sending a clear signal to women and girls with disabilities that they were not entitled to the same rights and protections as other women and girls and other persons with disabilities.

Statements made in explanation of vote before the voting

11. **Ms. Tasuja** (Estonia), speaking on behalf of the European Union; the candidate countries Albania and Montenegro; and the stabilization and association process country Bosnia and Herzegovina, said that it was regrettable that an oral amendment had been introduced in an effort to change a paragraph that had been discussed extensively during the informal meetings. The paragraph in question contained agreed substantive language from a number of relevant documents adopted by the General Assembly and represented a strong middle ground of views on critical issues relating to persons with disabilities. The paragraph did not include a number of elements that the European Union would have preferred to see in the draft resolution, yet its member States had been willing to join a consensus. They would vote against the proposed amendment.

12. **Ms. Kirianoff Crimmins** (Switzerland), speaking on behalf of Australia, Canada, Iceland, Liechtenstein Norway and Switzerland, said that the text of the amendment would change and weaken language on gender equality that had been agreed by all Member States in previous resolutions. The paragraph in question addressed the need to ensure comprehensive education for adolescent girls and young women, which was a critical issue for women and girls with disabilities. The paragraph used carefully developed compromise language that had been used in at least four other resolutions or declarations over the past two years. The draft resolution already referred to education "in full partnership with parents and guardians", stated clearly that education should be "age-appropriate" and referred only to "adolescent girls and boys and young women and men". It therefore addressed potential sensitivities in relation to a resolution on women and girls. While the delegations of Australia, Canada, Iceland, Liechtenstein, Norway and Switzerland had wished to see stronger language in the paragraph, they had been willing to accept the compromise proposed by the facilitators. The proposed amendment upset the carefully balanced compromise, and they would vote against it.

13. **Mr. De Souza Monteiro** (Brazil) said that his delegation would vote against the amendment. It was crucial to guarantee access for women and girls with disabilities to comprehensive education on sexual and reproductive health and allow them to make informed decisions. Paragraph 18 of the draft resolution already included language on the importance of those efforts being made in full partnership with young people, parents, legal guardians, caregivers, educators and health-care providers. The amendment disregarded the careful balance achieved in the paragraph, and it compromised the empowerment of women and girls with disabilities by overemphasizing the role of legal guardians.

14. **Ms. Mozolina** (Russian Federation) said that the rights of persons with disabilities was a complex subject that warranted attention and a resolution of its own. Even though a similar paragraph had been included in the draft resolutions on the rights of the child and on the girl child, the main sponsors had deemed it necessary to include that paragraph in the draft resolution on persons with disabilities. The issue of sex education was not of direct relevance to disability, and it would make perfect sense to use the wording that had recently been adopted in the draft resolutions on the rights of the child and on the girl child. Her delegation called on the main sponsors not to insist on the inclusion of issues that were problematic and would give rise to disputes in the future, because the draft resolution on the rights of persons with disabilities should be adopted by consensus and changes should not be made to paragraphs that were not of direct relevance to the rights of persons with disabilities.

15. **Ms. Goldrick** (Nicaragua) said that her Government worked to improve the lives of all persons with disabilities in Nicaragua, including through the implementation of its Voices for All programme, which was supported by Cuba. In Nicaragua, the family was the nucleus of society and parents were responsible for their children's development, while the Constitution considered the rights of the child in conjunction with those of the parents. Her delegation had wanted the reference to the role of parents to be included in the draft resolution, especially with regard to children with disabilities. She regretted that such an important resolution was being put to a vote. Her delegation would vote in favour of the proposed amendment and hoped that the resolution would be more balanced in the future.

16. **Ms. Abdelkawy** (Egypt) said that, as set forth in article 18 of the Convention on the Rights of the Child, parents or legal guardians had the primary responsibility for the upbringing and development of the child. In article 23 of the Convention on the Rights of Persons with Disabilities, there was no specific reference to adolescent girls and boys; rather, persons with disabilities were spoken of in general with regard to sexual and reproductive health, leaving the freedom for every State party to choose how to implement it. Paragraph 18 of the draft resolution was not balanced, as it referred to adolescent girls and boys with disabilities without any mention of parental guidance, which was especially needed when talking about children. The language had been drawn from the Political Declaration on HIV/AIDS, which had been carefully crafted for that specific context and was balanced with a sovereignty clause, unlike the draft resolution. Delegations should be more careful about transposing language from a different context, especially on issues related to children. Her delegation would vote in favour of the amendment, to bring balance to that important draft resolution.

17. **Ms. Silvera Flores** (Uruguay) said that the paragraph in question was a key part of the text and similar language had been used in other resolutions, including in draft resolution A/C.3/72/L.15/Rev.1 adopted by the Committee at its forty-ninth meeting. The paragraph took into consideration the diversity of national and cultural perspectives and the differing realities of each child or adolescent by including the expressions "scientifically accurate age-appropriate comprehensive education", "in a manner consistent with their evolving capacities" and "in full partnership" with parents, legal guardians and others. Her delegation would vote against the proposed amendment and urged other delegations to do likewise.

18. **Mr. Marani** (Argentina) said that the Committee had already taken several votes on the same issue. With the adoption of draft resolution A/C.3/72/L.15/Rev.1 at the 49th meeting, the Committee had sent a very strong message that young people must have access to information on sexuality and reproductive health as a way of preventing violence. It was a matter of great concern therefore that, when the same language was proposed in connection with young people and adolescents with disabilities, the Committee considered it to be unacceptable. The language in the paragraph as originally drafted had not been taken from the Political Declaration on HIV/AIDS, but rather from General Assembly resolution 71/170 on domestic violence. Should the proposed amendment be adopted, it would send the message that women and girls with disabilities were not entitled to the same protection against violence as other women and girls. Given the sensitivity of the issue, considerable efforts had been made to engage with all sides. He encouraged all delegations to vote against the proposed amendment, which would also enable the draft resolution to be adopted by consensus.

19. *At the request of the representative of New Zealand, a recorded vote was taken on the proposed oral amendment to paragraph 18 of draft resolution A/C.3/72/L.18/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Sudan, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and

Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Cambodia, Democratic Republic of the Congo, Ghana, Kazakhstan, Kenya, Malaysia, Maldives, Nepal, Tuvalu.

20. *The proposed oral amendment to paragraph 18 of draft resolution A/C.3/72/L.18/Rev.1 was adopted by 82 votes to 78, with 9 abstentions.*

21. **Mr. Herrmann** (Observer for the Holy See) said that his delegation condemned all violence and discrimination faced by persons with disabilities and called for every effort to be made to achieve their full integration and empowerment. However, it regretted the continued insistence on including highly controversial concepts and terminology specifically related to girls, even after their deletion had been requested during negotiations. The concepts in question had never been adopted in the context of girls, and were controversial because they had not been agreed upon internationally, not because they were being proposed in a draft resolution on the rights of persons with disabilities. The commitment to consensus should always be respected. His delegation also remained concerned by the undue emphasis given to individual autonomy and the perceived conflict between meeting the needs of persons with disabilities and realizing their rights. Vulnerability was part of the human condition, and all human beings depended on the support of others.

22. The Holy See wished to express its reservations regarding the draft resolution. It considered the terms "sexual and reproductive health", "sexual and reproductive health-care services" and "reproductive rights" to refer to a holistic concept of health that did not include abortion, access to abortion or access to abortifacients. Regarding education and information on sexuality, the Holy See reaffirmed the primary responsibility and the rights of parents, including their right to freedom of religion, in the education and upbringing of their children, as enshrined in the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

23. **Mr. Hawke** (New Zealand), speaking on behalf of the main sponsors of the resolution, Mexico, New Zealand and Sweden, said that those delegations were extremely disappointed that a vote had been called on the draft resolution despite extensive consultations. They believed that the text struck a fair balance that reflected the discussions held and remained true to the spirit and intention of the Convention on the Rights of Persons with Disabilities, as demonstrated by the number of sponsors. By calling for a vote, the Committee was sending a message to women and girls with disabilities that they were not entitled to the same rights and protections as other women and girls or other persons with disabilities. It was regrettable that, even in 2017, there appeared to be lingering doubts about their rights and equality. The main sponsors encouraged all Member States to vote in favour of the draft resolution.

24. *A recorded vote was taken on A/C.3/72/L.18/Rev.1, as orally revised and amended.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand,

Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

None.

25. *Draft resolution A/C.3/72/L.18/Rev.1, as orally revised and amended, was adopted unanimously.*

26. **Ms. Phipps** (United States of America) said that her Government strongly supported the empowerment of persons with disabilities. Women and girls were the most marginalized group within the disability community and were more susceptible to violence and discrimination than other women and girls.

27. As previously stated, her delegation had concerns about references in the draft resolution to the 2030 Agenda for Sustainable Development. The United States understood that General Assembly resolutions did not change the current status of conventional or customary international law, nor did the Universal Declaration of Human Rights create legal obligations. The draft resolution did not imply that States must agree to or comply with obligations under international instruments to which they were not parties, and therefore any reaffirmation of earlier texts, as in the third preambular paragraph, applied only to those States that had affirmed them initially or were parties to them. Where the draft resolution called on States to develop or strengthen education, any action taken in the United States must be consistent with federal, state and local law.

28. With regard to paragraph 17, women, including women and girls with disabilities, should have equal access to reproductive health care. The United States remained committed to the principles set out in the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development. There was international consensus that those documents did not create new international rights, including any right to abortion. The United States was the largest donor of bilateral reproductive health and family planning assistance and fully supported the principle of voluntary choice regarding maternal and child health and family planning. It did not, however, recognize abortion as a method of family planning or support abortion in its reproductive health assistance. Despite those and other concerns, her delegation had voted in favour of the draft resolution, since it supported its focus on encouraging States to address the challenges faced by women and girls with disabilities, who should be respected and treated as equal members of the community.

29. **Mr. De Souza Monteiro** (Brazil) said that his delegation wished to disassociate itself from paragraph 18, as amended. It was important to support efforts to increase the autonomy of women and girls with disabilities so that they might enjoy the rights guaranteed by the Convention on the Rights of Persons with Disabilities. The paragraph, as amended, compromised the empowerment of women and girls with disabilities and limited their access to education on an equal basis with others.

30. **Mr. Al-Kumaim** (Yemen) said that his delegation had voted for the draft resolution because it addressed the issue of discrimination against women and girls with disabilities and was a step towards international cooperation to ensure equal services for persons with disabilities. The fact that 176 States had voted for the draft resolution meant that the adopted amendment had addressed the concerns of many delegations.

31. **Mr. Marani** (Argentina) said that his delegation had supported the draft resolution because of its scope and in order to facilitate its unanimous adoption. However, unanimous adoption was not the same as adoption by consensus. The amendment to paragraph 18 weakened the language on access to information on health and sexual and reproductive health services for women and girls with disabilities. Given that those rights were amply guaranteed by other resolutions, such as General Assembly resolution 71/170 and draft resolution A/C.3/72/L.15/Rev.1, his delegation wished to disassociate itself from paragraph 18, as amended, and did not consider it an appropriate basis for consensus in future negotiations.

32. **Ms. Morton** (Australia), speaking also on behalf of Canada, Iceland, Norway and Switzerland, said that

those delegations welcomed the adoption of the draft resolution, which they strongly supported. They had hoped it could be adopted without a vote and in the form presented by the main sponsors, which had struck a delicate balance between the different positions.

33. The General Assembly's decision in 2015 to shift the resolution's focus to substantive themes had presented an opportunity for the Committee to strengthen implementation of the Convention on the Rights of Persons with Disabilities, and the focus on women and girls with disabilities in the 2017 draft resolution was welcome, in particular its recognition of multiple and intersecting forms of discrimination and the impact of such discrimination.

34. All States must ensure that women and girls with disabilities had equal access to education and employment, and access to justice and equal recognition before the law. Those rights were fundamental to the empowerment of women and girls with disabilities and their ability to make decisions about their own lives and to be included in society on an equal basis with others. Greater efforts must be made to prevent and eliminate violence, exploitation and abuse of women and girls with disabilities, who were twice as likely to experience domestic violence and ten times more likely to experience sexual violence than other women. Also welcome was the draft resolution's call to end forced medical procedures and the inclusion of a paragraph on the right to physical and mental health, including sexual and reproductive health.

35. The delegations welcomed the emphasis on collecting disaggregated data, which was critical for ensuring that no one was left behind and for addressing discrimination. They also welcomed the advice that the data tools developed by the Washington Group on Disability Statistics could be used to monitor implementation of the Convention and progress towards achievement of the Sustainable Development Goals through disaggregation by disability.

36. Equal access to comprehensive sex education was vital to ensuring that all people, including persons with disabilities, could grow and learn in safety and in health. Despite different approaches to such education around the world, the common goal was to reduce unwanted pregnancy and infections. It should cover a broad range of subjects, including the physiology of reproduction and sexual and reproductive rights, and should also teach life skills so that people could make informed, conscious, healthy and respectful choices about relationships. Although the delegations regretted that an amendment had been proposed on that crucial paragraph, they had wanted to highlight the positive elements that had been included in the draft resolution.

37. **Ms. Ben Ategh** (Libya) said that her delegation had voted in favour of the draft resolution because it underscored the rights of persons with disabilities, who were an integral part of the social fabric. In Libya, the family was of critical importance for the religious, social and cultural development of children. Although her delegation had initially been reluctant to support the draft resolution, the amendment adopted had quelled its concerns. It hoped, however, that sponsors of draft resolutions on human rights would in future refrain from including language and concepts that did not appear in international instruments.

38. **Ms. Silvera Flores** (Uruguay) said that, since all women and girls with disabilities had the right to comprehensive education that included sexual and reproductive health, Uruguay wished to disassociate itself from paragraph 18, as amended, and would not consider it as consensus language in the future.

39. **Mr. Oppenheimer** (Netherlands), expressing disappointment at the vote on the amendment to paragraph 18, said that the same paragraph had been adopted by consensus in 2016 following long, inclusive and constructive negotiations and had subsequently been proposed by the main sponsors during the current session. Either something had changed for women and girls in the meantime, or perhaps women and girls with disabilities were somehow different from other women and girls, which he did not believe to be the case. His delegation did not see the text of paragraph 18, as amended, as a basis for future consensus.

40. **Ms. Moutchou** (Morocco) said that access to information, to an emotional life and to sexual health and education services was an integral part of the rights of persons with disabilities, and should be guaranteed and facilitated with appropriate support. The sexual and reproductive health needs of persons with disabilities were multiple. In Morocco, the non-governmental organization Amicale Marocaine des Handicapés was implementing a three-year project aimed at supporting the sexual and reproductive health of women with disabilities and recognizing their fundamental rights.

41. Her delegation believed that paragraph 18, as originally drafted, already contained the necessary caveats. Nevertheless, it had accepted the additional wording in the hope that, even if some considered the amendment to be a weakness, it would lead to the unanimous adoption of the draft resolution. She hoped that, in future negotiations, consensus would be respected and the resolution would be adopted without a vote.

42. **Mr. Caraballí Baquero** (Colombia) said that the amended paragraph limited the access of women and girls with disabilities to information and education on preventing all forms of violence, including sexual violence, and on their rights and their sexual and reproductive health, as well as to information and education that would enable them to give their free and informed consent in those areas. For that reason, his delegation wished to disassociate itself from the amended paragraph and did not consider it to be consensus language for the purposes of future negotiations.

43. **Ms. León Murillo** (Costa Rica), expressing regret that it had not been possible to adopt the draft resolution by consensus, said that the original paragraph had struck a balance between the different positions and it was crucial to maintain language that had already been agreed upon. Sex and reproductive education for girls and young women was a very important means of preventing violence. Costa Rica therefore wished to disassociate itself from the amended paragraph.

44. **Mr. Nielsen** (Denmark) said that his country attached great importance to the right of women and girls with disabilities to gain access to and receive information on sexual and reproductive health and rights. The amendment was regrettable, and his delegation did not support paragraph 18, as amended, as a basis for consensus in future negotiations.

Draft resolution A/C.3/72/L.49/Rev.1: Effects of terrorism on the enjoyment of human rights

45. **The Chair** drew attention to the statement of programme budget implications contained in document A/C.3/72/L.70.

46. **Mr. Aboulatta** (Egypt), introducing the draft resolution, said that the main sponsors wished first of all to express their condolences to the victims of terrorism and their families around the world. An overwhelming tide of grave atrocities and barbaric violations had been witnessed over the past few years, and the Committee must shoulder its responsibility to consider terrorism from all perspectives that were relevant to its mandate. Terrorism aimed to destabilize Governments, jeopardized peace and security, and hampered economic development, which in turn had a serious impact on the enjoyment of human rights. The main sponsors had engaged constructively with all delegations with a view to reaching consensus and hoped that adoption of the draft resolution would send a strong signal that States were united in their fight against terrorism.

47. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Algeria, Bahrain, Bangladesh, Burundi, Chad, Comoros, Côte d'Ivoire, Eritrea, Gambia, Guinea, India, Kuwait, Lebanon, Maldives, Mali, Mauritania, Niger, Nigeria, Oman, Sierra Leone, Sudan and United Arab Emirates had joined the sponsors.

48. **The Chair** drew attention to the proposed amendment to draft resolution A/C.3/72/L.49/Rev.1, contained in A/C.3/72/L.68.

49. **Ms. Matlhako** (South Africa), introducing the draft amendment contained in document A/C.3/72/L.68, said that South Africa's foreign policy had been unwavering in its support of legitimate and just struggles for self-determination and statehood. She recalled that South Africa's democracy, freedom and constitutional dispensation had been obtained in 1994, largely thanks to the support of, inter alia, the international community and the General Assembly, which had played a pivotal role in recognizing the legitimacy of national liberation movements by distinguishing South Africa's struggle from terrorism.

50. The essence of the proposed amendment was to preserve the integrity of resolutions adopted by the General Assembly and ensure compliance with the rule of law. General Assembly resolutions could not be altered, whether intentionally or not, by other resolutions that sought to preserve the vested national interests or political expediencies of some Member States at the expense of well-founded principles. The draft amendment recognized that the draft resolution did not attempt to differentiate terrorism and terrorist acts from the just and legitimate struggles of peoples for national liberation, despite successive resolutions of the General Assembly and other United Nations bodies that contained such language.

51. Her delegation remained concerned that the main sponsors of the draft resolution were reluctant to accept consensus language from General Assembly resolutions addressing measures to eliminate terrorism, in which Member States had clearly distinguished and recognized the legitimacy of national liberation movements for statehood and self-determination by distinguishing them from terrorism.

52. There were several General Assembly resolutions that focused on the victims of terror and were similar to A/C.3/72/L.49/Rev.1. The sponsors' view that the issue of national liberation movements did not belong in the present draft resolution was obsolete and moribund.

53. Her delegation was puzzled by the main sponsors' stance on the language proposed, particularly in the light of their history of supporting national liberation movements throughout Africa, and their support and proclaimed leadership on the thematic issue of

self-determination in the United Nations. That position could only be interpreted and viewed as an inherent contradiction to the language proposed by South Africa.

54. Her Government believed that such a fundamental omission in the draft resolution would have a detrimental impact in the context of the war on terror, and far-reaching implications regarding impunity for violations of international human rights law and international humanitarian law. Her delegation hoped that the Committee could therefore support the proposed amendment, which would bring the requisite balance to the draft resolution.

55. **The Chair** said that the proposed amendment had no programme budget implications.

56. **Mr. Khane** (Secretary of the Committee) said that Sao Tome and Principe had joined the sponsors of the proposed amendment.

57. **Mr. Moussa** (Egypt) said it was regrettable that South Africa had sought to introduce an amendment to the draft resolution sponsored by his delegation. He recalled that Egypt was one of the staunchest supporters of the right to self-determination. Indeed, his Government had a long-held principled stance of fully supporting national liberation movements throughout the world, including the liberation movement led by the African National Congress of South Africa, and its erstwhile leader, Nelson Mandela, against the apartheid regime in South Africa. In addition, Egypt's support to the Palestinian cause had been unwavering, as attested by a number of actions and measures. For a number of years, his delegation had introduced the draft resolution on the right of the Palestinian people to self-determination, a text that the Committee had a long-standing tradition of adopting.

58. The draft resolution under consideration addressed the issue of the effects of terrorism on the enjoyment of human rights, and that issue alone. Any claims that the draft resolution did not differentiate between terrorism and armed struggles were ill-informed. On the contrary, making such a distinction in the context of the draft resolution would be counterproductive and conflate legitimate armed struggles and terrorism. Indeed, the proposed amendment went against the spirit of the draft resolution. Accordingly, his delegation could not support the proposed amendment and requested its withdrawal by South Africa.

59. **Ms. Matlhako** (South Africa) requested that the Committee proceed with its consideration of the amendment.

60. **Mr. Moussa** (Egypt) requested that a recorded vote be taken on the amendment proposed by South Africa.

61. *A recorded vote was taken on the amendment to draft resolution A/C.3/72/L.49/Rev.1, contained in document A/C.3/72/L.68.*

In favour:

Algeria, Armenia, Bolivia (Plurinational State of), Cuba, Ecuador, Ethiopia, Iran (Islamic Republic of), Kenya, Lao People's Democratic Republic, Lesotho, Namibia, Nicaragua, Pakistan, Qatar, South Africa, Sudan, Syrian Arab Republic, Timor-Leste, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Central African Republic, Chad, Colombia, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominican Republic, Egypt, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Myanmar, Netherlands, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Angola, Argentina, Bangladesh, Belarus, Bhutan, Brazil, Brunei Darussalam, Chile, China, Comoros, Congo, Costa Rica, Democratic Republic of the Congo, El Salvador, Guatemala, Jamaica, Liberia, Malaysia, Maldives, Mali, Mauritius, Mongolia, Mozambique, Nepal, New Zealand, Niger, Nigeria, Oman, Panama, Paraguay, Russian Federation, Rwanda, Senegal, Singapore, South Sudan, Suriname, Swaziland, Thailand, Togo, Tuvalu, Uganda, Uruguay.

62. *The proposed amendment to draft resolution A/C.3/72/L.49/Rev.1, contained in document A/C.3/72/L.68, was rejected by 77 votes to 21, with 42 abstentions.*

63. *The Chair invited the Committee to take action on draft resolution A/C.3/72/L.49/Rev.1.*

64. **Mr. Almanzlawiy** (Saudi Arabia) said that his country continued to play an effective role in formulating and supporting humane approaches to the protection of rights and the rejection of incitement, violent extremism and terrorism. Its counter-terrorism efforts took human rights concerns into account through the application of international and regional laws. Saudi Arabia hoped that all delegations would support the draft resolution in order to demonstrate that the international community presented a united front against terrorism.

65. **Ms. Matlhako** (South Africa) requested a recorded vote on draft resolution A/C.3/72/L.49/Rev.1.

66. **Mr. Moussa** (Egypt) said that South Africa's attitude to the draft resolution was regrettable, and reflected the unconstructive approach shown by that delegation throughout the negotiation process. It sent the message that the Committee was abandoning the victims of terrorism and disregarding their rights, as well as rewarding terrorist groups. He appealed for all delegations present to vote in favour of the draft resolution.

67. **Ms. Matlhako** (South Africa), speaking in explanation of vote before the vote, said that her delegation had consistently expressed its agreement that terrorism had an impact on the enjoyment of human rights, despite the absence of a universally agreed upon definition of terrorism in international law. It had also consistently emphasized the need to uphold international human rights law and international humanitarian law when engaged in the war on terror. South Africa's history, borne of the struggle of the national liberation movement, was well-known. Indeed, South Africans were very familiar with the justifications given for the deplorable human rights violations they had faced just twenty-three years earlier under the pretext of combatting terrorism. South Africa's own heroes, who had made a significant contribution to the long and just struggle against apartheid, had been listed as terrorists.

68. The legitimate struggle for self-determination and the fight against unjust oppression had contributed to an increase in anti-apartheid movements across the world, and the General Assembly had adopted numerous resolutions to make a clear distinction between terrorism and struggles for self-determination. Furthermore, the persecution of South Africa's national liberation heroes, including Nelson Mandela, and their subsequent labelling as terrorists and terrorist groupings and inclusion in a terrorism watch list had contributed to the prolonged suffering. That was why South Africa's foreign policy was based on the right to self-determination and the just struggle for statehood.

69. She rejected Egypt's claim that her delegation's views were ill-informed. The denialism and refusal to cite agreed language from numerous consensus resolutions of the General Assembly to address the legitimacy of national liberation movements was tantamount to equating the struggle for freedom, human rights and human dignity with terrorism. Her delegation could not support such a fundamental omission from the draft resolution, which remained unbalanced and negated the fundamental issues that had a direct impact on South Africa's constitutional system. Consequently, her delegation had called for a vote on the draft resolution, and would vote against it.

70. *At the request of South Africa, a recorded vote was taken on draft resolution A/C.3/72/L.49/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Against:

South Africa.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria,

Canada, Colombia, Congo, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

71. *Draft resolution A/C.3/72/L.49/Rev.1 as a whole was adopted by 104 votes to 1, with 63 abstentions.*

72. **Ms. Tasuja** (Estonia), speaking on behalf of the European Union; the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova and Monaco, said that the States members of the European Union usually called for a vote on the same draft resolution in the Human Rights Council in Geneva and then voted against it. Nevertheless, they would have joined a consensus on the present draft resolution, in the light of the commendable constructive and inclusive spirit of the negotiations led by the main sponsors of the draft resolution, including efforts to accommodate, to the extent possible, the views of all delegations present in the negotiations, and to show flexibility on their own positions.

73. However, since the draft resolution had been put to a vote, the States members of the European Union had abstained. As explained in the negotiations, they were not in favour of addressing terrorism and human rights in a parallel process in the Third Committee, when there was already an existing Human Rights Council resolution on the protection of human rights and fundamental freedoms while countering terrorism, as well as a counter-terrorism resolution in the Sixth Committee and in the Security Council. The European Union was actively advocating a merger of all texts on the topic into a single resolution to be considered by the Human Rights Council in Geneva. The language of the present draft resolution, which reflected constructive and inclusive negotiations, could be a useful contribution to that end.

74. Lastly, the European Union was not in favour of a new biennial resolution, which was the aim of the main sponsors in requesting a report, as that would have programme budget implications.

75. **Ms. Al-Temimi** (Qatar) said that her delegation had supported the draft resolution. There was no doubt that terrorist acts of all kinds undermined human rights and fundamental democratic freedoms and threatened the security and stability of States. The international community should work together to strengthen counter-terrorism cooperation by fully implementing the United Nations Global Counter-Terrorism Strategy. The resolution also affirmed the importance of strengthening human rights and fundamental freedoms and protecting victims' rights, and emphasized that States, when engaging in counter-terrorism activities, must fully comply with their obligations under international law, including the Charter of the United Nations.

76. Counter-terrorism efforts were undermined when terrorism was used as a pretext for violating human rights and fundamental freedoms, particularly freedom of the press. Armed conflict, weak rule of law, human rights violations, discrimination and marginalization were conditions that led to the spread of terrorism and therefore must be addressed. Terrorism should not be seen as linked to any religion, nationality or ethnicity.

77. **Ms. Walter** (United States of America) said that the United States did not recognize any obligation to prevent terrorism or protect individuals from terrorist attacks under international law or human rights law, but urged all States to comply with their applicable international legal obligations while countering terrorism. In that regard, she noted that different bodies of international law might be applicable to States' efforts to counter terrorism, depending on circumstances. In addition, the new report called for in the draft resolution was not an effective or appropriate use of limited resources as there were already a number of reports on the topic.

78. **The Chair** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the following documents under agenda item 72, sub-item (a): the report of the Committee against Torture (A/72/44); the report of the Committee on the Rights of Persons with Disabilities (A/72/55); the report of the Committee on Enforced Disappearances (A/72/56); the report of the Secretary-General on the United Nations voluntary trust fund on contemporary forms of slavery (A/72/229); the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/72/278); the note by the Secretary-General transmitting the tenth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

(A/72/268); the note by the Secretary-General transmitting the annual report of the Chairs of the human rights treaty bodies on their 29th meeting (A/72/177); and the note by the Secretariat on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/72/273).

79. Under sub-item 72(b), the Committee should take note of the following documents: the note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/72/128); the note by the Secretary-General transmitting the report of the Independent Expert on the enjoyment of human rights by persons with albinism (A/72/131); the note by the Secretary-General transmitting the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/72/135); the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/72/137); the note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/72/139); the note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/72/140); the note by the Secretary-General transmitting the report of the Independent Expert of the Human Rights Council on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/72/153); the note by the Secretary-General transmitting the report of the Special Rapporteur in the field of cultural rights (A/72/155); the note by the Secretary-General transmitting the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/72/162); the note by the Secretary-General transmitting the joint report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the Special Rapporteur on trafficking in persons, especially women and children (A/72/164); the note by the Secretary-General transmitting the report of the Independent Expert on human rights and international solidarity (A/72/171); the note by the Secretary-General transmitting the report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (A/72/172); the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of internally displaced persons (A/72/202); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions (A/72/335); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of the right to freedom of opinion and expression (A/72/350); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on extreme poverty and human rights (A/72/502); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/72/370); the note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/72/523); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the right to privacy (A/72/540); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the right to education (A/72/496); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/72/495); the note by the Secretariat on the report of the Special Rapporteur on the right to development (A/72/163); and the note by the Secretariat on the report of the Secretary-General on the right to development (A/72/201).

80. Under sub-item 72(c), the Committee should take note of the following documents: the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/72/556); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in Belarus (A/72/493); and the note by the Secretariat on the report of the Commission of Inquiry on Burundi (A/72/281); and, under sub-item 72(d), the note by the Secretariat on the report of the United Nations High Commissioner for Human Rights (A/72/36).

81. *It was so decided.*

Agenda item 121: Revitalization of the work of the General Assembly (A/C.3/72/L.73)

Draft proposal A/C.3/72/L.73

82. **The Chair** drew attention to the Committee's tentative programme of work for the seventy-third session of the General Assembly as contained in document A/C.3/72/L.73. He took it that the Committee wished to adopt the tentative programme of work for the seventy-third session and transmit it to the General Assembly for approval.

83. *It was so decided.*

Conclusion of the work of the Committee

84. **The Chair** declared that the Third Committee had completed its work for the main part of the seventy-second session of the General Assembly.

The meeting rose at 5.30 p.m.